

REMARKS

The present Amendment is in response to the Examiner's Office Action (hereinafter referred to as "the Office Action") mailed May 9, 2007. By this paper, claims 8 and 13 are amended, no claims are cancelled and new claims 17-22 are added. Claims 1-7 and 12 were previously cancelled. Claims 8-11 and 13-22 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. General Considerations

Applicants note that the remarks and amendments presented herein have been made merely to clarify the claimed embodiments from elements purported by the Office Action to be taught by the cited references. Such remarks, or a lack of remarks, and amendments are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Office Action; as to whether it is proper to combine any cited references; or as to any other assertions, allegations or characterizations made by the Office Action at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references, as well as whether it is proper to combine the cited references, at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicants, of additional or alternative distinctions between the

claims of the present application and the references cited by the Office Action, and/or the merits of additional or alternative arguments.

II. Rejections Under 35 U.S.C. § 103

The Office Action rejects claims 8-11 and 13-16 under 35 U.S.C. § 103 as being unpatentable over United States Patent Application No. 2003/0193974 to Frankel et al. ("Frankel") in view of United States Patent No. 5,325,378 to Zorabedian ("Zorabedian"). Claims 8-11 and 13-16 are alternatively rejected under 35 U.S.C. § 103 as being unpatentable over Frankel as being an obvious engineering choice not affecting the overall operation of the system.

As an initial matter, Applicants respectfully note that in order to establish a *prima facie* case of obviousness, it is the burden of the Office Action to demonstrate that the prior art reference (or references when combined) teach or suggest all the claim limitations. *MPEP § 2143*. Applicants respectfully traverse the characterization of the Office Action for the reasons that will now be explained.

As shown above, Applicants have amended claims 8 and 13 to further distinguish the present inventions from the prior art. Claim 8 as amended now recites a system for generating light at a variety of wavelengths and directing the same along a common axis. The system comprises a plurality of tunable lasers, a grating for receiving the light from each of the spatially offset tunable lasers and directing the same along a common axis, a first thermo-optic prism positioned between the plurality of tunable lasers and the grating for steering the light from each of the spatially offset tunable lasers, wherein a thermistor is located on a top surface of the first thermo-optic prism for temperature monitoring, and a second thermo-optic prism positioned between the first thermo-optic prism and the grating for correcting an aberration introduced by the first thermo-optic prism, wherein the light from each of the spatially offset tunable lasers is directed through the first thermo-optic prism, then through the second thermo-optic prism, and then into the grating for redirecting the light along a common axis. (Emphasis added). A similar amendment has also been made to independent claim 13. Support for such amendments may be found at least at page 6, lines 4-6 of the originally filed Specification.

In sharp contrast, the Office Action has not shown that Frankel teaches a system as recited in amended claims 8 and 13. For example, the system of Frankel fails to teach or disclose first and second prisms as recited in claims 8 and 13 as was argued in the previous Office Action response. In addition, Frankel fails to teach or disclose that a thermistor is located on a top surface of the first thermo-optic prism for temperature monitoring. Accordingly, Frankel does not teach or suggest each and every element of amended independent claims 8 and 13.

Zorabedian does not teach or suggest the missing elements of Frankel and is not cited by the Office Action as teaching such. Accordingly, even the alleged proper combination of Frankel and Zorabedian does not teach or suggest each and every element of amended independent claims 8 and 13 as required for a *prima facie* case of obviousness. Accordingly, the obviousness rejection for amended claims 8 and 13 should be withdrawn. Since claims 9-11 and 14-16 depend from amended claim 8, these claims should also have the obviousness rejection withdrawn for at least the reasons discussed above in relation to amended claim 8.

III. New Claims

As shown above, Applicants have added new claims 17-22. Support for these claims can at least be found in the claims of previously filed Office Action Responses. Inasmuch as new claims 17-22 depend from amended independent claim 13, these claims are allowable for at least the reasons that claim 13 is allowable.

CONCLUSION

In view of the foregoing, Applicants believe the claims as presently pending are in allowable form and that every issue raised by the Office Action has been addressed. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorneys.

Dated this 9th day of November, 2007.

Respectfully submitted,

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